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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,749	10/16/1999	TAD A. DEFFLER	22074661-255	1735

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805 THIRD AVENUE  
NEW YORK, NY 10022

EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 07/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/419,749

Applicant(s)

DEFFLER ET AL

Examiner

Ella Colbert

Art Unit

3624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 June 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-6.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_



Continuation of 5. does NOT place the application in condition for allowance because: Applicants' request for reconsideration and newly added claims 7-9 have been considered. Claims 1-6 still remain rejected for the following reasons in response to Applicants' arguments: Argument no. 1: Applicants' argue: Francisco et al does not disclose or suggest retrieving code of instructions associated with the keyword from a registry of keywords for extending macro language as the Examiner suggests has been considered but is not persuasive because it is old and well known in the art of the C language itself that C has a registry of 33 keywords with the keywords being used in the source code and the compiling of the macro language. Furthermore, Macro expansion (extension) occurs during runtime which is also old and well known in the art. Applicants' argument no. 2: Applicants' argue: Nowhere in Francisco et al is there a suggestion or disclosure of extending its macro language has been considered but is not persuasive because by definition "in programming languages, such as C or assembly language, a name that defines a set of instructions that are substituted for the macro name wherever the name appears in a program (a process called macro expansion (synonymous to macro extension) when the program is compiled or assembled". This is old and well known in the C language.

Argument no. 3: Applicants' argue: the references cited as relevant prior art do not suggest or disclose extending the programming language to handle commands "initially unknown to the macro language" has been considered but is not persuasive because by definition a macro is defined as "(1) in applications, a set of keystrokes or instructions recorded and saved under a short key code or macro name. When the key code is typed or the macro name is used, the program carries out the instructions of the macro. Users can create a macro to save time by replacing an often-used, sometimes lengthy, series of strokes for a shorter version". The Examiner interprets Francisco as teaching "... initially unknown to the macro language" in col. 15, lines 25-28 ("the macro language files 20 have an extension ...") and line 31-67 and col. 16, lines 1-17.

Applicants' argument no. 4: Applicants' argue: the criterion for a determination of obviousness is whether the prior art would have suggested to one of ordinary skill in the art that the claimed invention should be carried out and would have a reasonable likelihood of success and the mere fact that the prior art may be modified in the manner suggested in the Office Action does not make the modification obvious unless the prior art suggested the desirability of the modification has been considered but is not persuasive because the Examiner has given the claim limitations of claim 1 and others the most reasonable interpretation in light of the Specification, what is taught in Francisco, what is old and well known in the art of macro language, and what is obvious to one having ordinary skill in the art of macro language.

The Amendment adding new claims 7-9 has not been entered. Claims 1-6 still remain rejected for the reasons above and newly added claims 7-9 with the claim limitation "wherein the extended macro command is executed without recompiling the macro language" will require further search and consideration.

  
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